

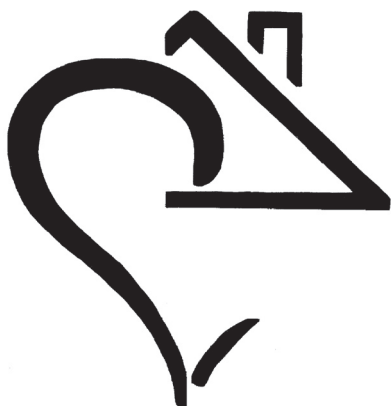
Kentucky's Adoption Assistance Handbook



Kentucky Cabinet for Health and Family Services
Department for Community Based Services
<http://chfs.ky.gov>



Thank you for your commitment to children through adoption. The families on the handbook cover are Kentucky “forever families” like yours who have grown through adoption. Please use this handbook as a regular reference, and remember that support from caseworkers, mentors and advocates is just a phone call away.



Pictured on cover, clockwise from top-left: The King family, Cumberland Region; the Blair family, Southern Bluegrass Region; the Majors family, Jefferson Region; the Larrington family, Salt River Trail Region.



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Introduction

In 1972 Kentucky adopted legislation designed to eliminate barriers that could prevent the adoption of a child with “special needs” by adoptive parents who may have been financially unable to meet the needs of the child. In 1997 when the Adoption and Safe Families Act (ASFA) was passed by Congress, more emphasis was placed on permanency for children and the elimination of barriers to adoption for children who were waiting for families. Safety, permanency and well-being are the key principles of ASFA, and each state is being held accountable for the permanent placement of children. Over the years the legislature has revised Kentucky’s Adoption Assistance Program to improve services and increase the likelihood that a child with “special needs” will grow up in a safe, loving, and permanent home. Many children previously seen as “unadoptable” because of their age, disability or sibling status are now being placed in families like yours. These “special needs” children will enter your family with histories that include loss, abuse, neglect, emotional and medical problems, or a combination of such factors. You are to be commended for accepting the challenge and advised to prepare yourself for difficulties.

Post-adoptive services are now available to assist you in caring for these “special needs” children. These services can range from a monthly subsidy to a college tuition waiver. Post-adoptive services are widely recognized by adoption professionals and experienced adoptive families as essential for the successful adoption of children with “special needs”.

Kentucky’s legislature has implemented laws and regulations such as **KRS.199.555, KRS.199.557 and 922 KAR 1:050**, which allow the Department for Community Based Services (DCBS) to provide adoption assistance to the adoptive parents of “special needs” children who are adopted. Adoption assistance consists of one or more of the following:

1. **Monthly Subsidy** is a set monthly payment to assist the adoptive family with incorporating the special needs child into their lives. The amount of the monthly subsidy is **equal to** the DCBS foster care per diem for which the child was eligible and does not change unless you renegotiate your adoption assistance agreement. The subsidy can never exceed the amount of the DCBS foster care rate for a specific child.

The adoption assistance agreement (DPP-1258) outlines the monthly subsidy and extraordinary medical expenses which will be available for your special needs child after the finalization of the adoption. The monthly subsidy is available from two funding sources:

a. Federal Funds - Title IV-E Eligible

There are four ways that a child can be eligible for Title IV-E adoption assistance.

- Child is eligible for Aid to Families with Dependent Children (AFDC) and meets the definition of a child with special needs - Adoption assistance eligibility that is based on a child's AFDC eligibility (in accordance with the program rules in effect on July 16, 1996) is predicated on a child meeting the criteria for such at the time of removal. In addition, the State must determine that the child meets the definition of a child with special needs prior to finalization of the adoption. The method of removal has the following implications for the AFDC-eligible child's eligibility for title IV-E adoption assistance: If the child is removed from the home pursuant to a judicial determination, such determination must indicate that it was contrary to the child's welfare to remain in the home; or if the child is removed from the home pursuant to a voluntary placement agreement, that child must actually receive title IV-E foster care payments to be eligible for title IV-E adoption assistance. Children placed pursuant to a

voluntary placement agreement under which a title IV-E foster care maintenance payment is not made are not eligible to receive title IV-E adoption assistance.

- A child is eligible if the child meets the requirements for Supplemental Security Income (SSI) benefits and is determined by the State to be a child with special needs prior to the finalization of the adoption. **There are no additional criteria that a child must meet to be eligible for title IV-E adoption assistance when eligibility is based on a special needs child meeting SSI requirements. Specifically, how a child is removed from his or her home or whether the State has responsibility for the child's placement and care is irrelevant in this situation.** Unlike AFDC eligibility that is determined by the State child welfare agency, only a designated Social Security Administration claims representative can determine SSI eligibility and provide the appropriate eligibility documentation to the State.
- A child is eligible for title IV-E adoption assistance if prior to the finalization of the adoption, the child's parent was in foster care and received a title IV-E foster care maintenance payment that covered both the minor parent and the child of the minor parent and is determined by the State to meet the definition of a child with special needs. There are no additional criteria that must be met in order for a child to be eligible for title IV-E adoption assistance if the child's eligibility is based on his or her minor parent's receipt of a foster care maintenance payment while placed with the minor parent in foster care. As with SSI, there is no requirement that a child must have been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination.

- A child is eligible due to prior Title IV-E adoption assistance eligibility and meets the definition of a child with special needs - In the situation where a child is adopted and receives title IV-E adoption assistance, but the adoption later dissolves or the adoptive parents die, a child may continue to be eligible for title IV-E adoption assistance in a subsequent adoption. **Since title IV-E adoption assistance eligibility need not be re-established in such subsequent adoptions, the manner of a child's removal from the adoptive home, including whether the child is voluntarily relinquished to an individual or private agency, is irrelevant.**

b. State Funds - Non Title IV-E

Available to all special needs children who do not qualify for title IV-E funded adoption assistance and were placed for adoption by the DCBS.

2. Training Requirements

Adoptive parent(s) are **not required** to attend additional annual training (unless they are also active foster parents). To receive any of the following monthly subsidy rates, adoptive parents must meet specific DCBS training requirements.

To receive the **Regular Advanced** rate for a child in the monthly subsidy program, the adoptive parent(s) must successfully complete thirty (30) hours of initial training, twenty-four (24) hours additional training (including child sexual abuse) and receive recommendation and approval as an advanced resource home.

The **Basic Medically Fragile** rate is available to parents who adopt a medically fragile child and who have successfully completed the initial medically fragile training that is either: Twenty-four (24) hours of training in the areas of growth

and development, nutrition, medical disabilities, current certification in CPR and current certification in first aid or successfully complete the medically fragile curriculum which includes the one (1) day - six (6) hour medically fragile orientation and the medically fragile curriculum entitled “Join Hands Together.”

The **Advanced Medically Fragile** rate may be paid to a resource home with a parent who has an active and current Kentucky license as a Licensed Practical Nurse (LPN) and is approved to care for a child who is determined to be medically fragile by the Medical Support Section in DCBS’ central office. Initial Medically Fragile Training requirements must also be met.

The **Degreed Medically Fragile** rate may be paid to a resource home with a parent, who has a current Kentucky license as a physician (**MD**) or registered nurse (**RN**) and is approved to care for a child, who is determined to be medically fragile by the Medical Support Section in central office.

The **Specialized Medically Fragile** rate may be paid to a resource home that completes all requirements for an Advanced and Degreed Medically Fragile resource home and receives individual documented training from a health professional in how to care for specific specialized medically fragile child who is placed in the resource home. The child must also require supervision by a physician or registered nurse. Initial Medically Fragile training requirements must also be met.

The key factor in determining the rate for each Specialized Medically Fragile child **is the level of extra professional care required by that child daily and the level of licensure of the Specialized Medically Fragile parent.** Consultation regarding these decisions may be obtained from the Medical Support Section at (502) 564-6852.

The Basic Care Plus rate may be paid to adoptive parents who adopt a Care Plus child and who have successfully completed the initial thirty (30) hour training and the twenty-four (24) hour Care Plus training.

The Advanced Care Plus rate may be paid to adoptive parents who have been an approved Care Plus home for one year, are in good standing and meet the initial Care Plus training requirements.

3. **Extraordinary Medical Expenses** are only available for children who were placed for adoption by DCBS. These are expenses related to a child's "special needs" which existed prior to the adoption, and which are not reimbursable by private insurance, the medical card, or any other resource. Adoptive parents are required to submit invoices/receipts for services rendered in order to be reimbursed. Co-payment may be required based on family income. The co-payment scale is based upon your adjusted gross income on your income tax forms.

The following is a list of services that are not covered by the extraordinary medical program:

- School tuition
- Summer camp
- Riding therapy/gymnastics
- Computers and computer software (An exception may be made for severely physically handicapped children).
- Dentistry or orthodontia unless there is a medical need documented by a physician.
- Vehicles to transport children
- Major home renovations (i.e. fences, pools, etc.)
- Routine medical expenses such as doctor visits unrelated to the child's special needs, over-the-counter drugs or hospitalization.

The Extraordinary Medical Co-Payment Scale is based upon 100 percent of Federal Fiscal Year 2008 (October 1, 2007 to September 30, 2008) estimated Kentucky Income. The family's adjusted gross income is utilized to determine the co-payment amount.

Extraordinary Medical Co-payment Scale

Family Size	0% Copay	10% Copay	15% Copay	20% Copay
2	\$37,395 & Under	\$37,396 \$56,093	\$56,094 \$74,790	Over \$74,790
3	\$46,193 & Under	\$46,194 \$69,290	\$69,291 \$92,386	Over \$92,386
4	\$54,992 & Under	\$54,993 \$82,488	\$82,489 \$109,984	Over \$109,984
5	\$63,791 & Under	\$63,792 \$95,687	\$95,688 \$127,582	Over \$127,582
6	\$72,589 & Under	\$72,590 \$108,884	\$108,885 \$145,178	Over \$145,178
7	\$74,239 & Under	\$74,240 \$111,359	\$111,360 \$148,478	Over \$148,478
8	\$75,889 & Under	\$75,890 \$113,834	\$113,835 \$151,778	Over \$151,778
9	\$77,539 & Under	\$77,540 \$116,309	\$116,310 \$155,078	Over \$155,078
10	\$79,188 & Under	\$79,189 \$118,782	\$118,783 \$158,376	Over \$158,376

Source: U.S. Dept. of Health and Human Services Administration of Children and Families

Reimbursement through extraordinary medical expenses will be made as a last resort. If applicable, the parents' private insurance and Medicaid must be exhausted first. Co-payment may be required. Services covered through the extraordinary medical program may include, but are not limited to, the following:

Orthodontia – Co-payment is 50 percent of what the adoptive parent(s) pay. Medical need must be verified by a dentist or a physician.

Transportation – If mileage driven for treatment needs exceeds the yearly mileage rolled into foster care rate: Ages 0-11 = 3,708 miles; Ages 12 and older = 5,016 miles.

Day care services – May require co-payment based upon the adoptive parents' income. The SSW facilitates DCBS payment of childcare services for working resource home parents. For non-working resource home parents, the recruitment and certification (R&C) worker submits a request for childcare to the service region administrator (SRA) that includes documentation from a qualified professional of the therapeutic need for the service. Approved childcare rates can not exceed the rates established by the Division of Child Care in Kentucky Administrative Regulation 922 KAR 2:160 <http://www.lrc.state.ky.us/kar/922/002/160.htm> Day Care Services are paid for by the adoptive parents and reimbursed only with a paid receipt.

Tutoring – The rate may not exceed \$25 per hour and two (2) hours per week. Co-payment may be required based on family income. The child must be in a special education classroom, grade level two or more years behind chronological age or receiving specially designed instruction in the regular classroom. Documentation of need and unavailability of service is required from

the school. Qualified personnel must provide tutoring services. Qualifications of the tutor must be verified. Tutoring services must be provided by someone other than an immediate family member.

Eyeglasses – May require a co-payment.

Respite care – Children approved for Basic, Advanced and Degreed Medically Fragile and Care Plus Home rates may be approved for two (2) respite days per child per month. Children approved for the Specialized Medically Fragile rate can be approved for three (3) respite days per child per month.

Mental health counseling/expressive (art) therapy/behavioral therapy/physical therapy/occupational therapy/speech therapy – Co-payment may be required. Medicaid vendor must be utilized first.

Medication – Co-payment may be required.

Special Equipment

Many of these services have eligibility criteria. Your worker can provide you with a complete list of services available through the extraordinary medical program and eligibility criteria. You may be responsible for a co-payment based upon your income. Services available through the extraordinary medical program are limited by the availability of funds.

4. **Nonrecurring Expenses** are one-time reimbursements to offset the expenses of adopting a “special needs” child. The child must meet Kentucky’s special needs criteria and a reasonable effort must be made to place the child without adoption assistance. These expenses cannot have been paid by any other source and the adoptive parent must incur expenses. The maximum amount cannot exceed \$1,000 per

child. The request for nonrecurring adoption assistance must be submitted and approved prior to the finalization of the adoption. The following are examples of allowable expenses up to \$1,000 per child:

- Court costs/attorney fees
- Home study expenses, including physical or psychological exams;
- Post-placement costs; and
- Transportation, food and lodging costs related to the adoptive placement and/or the adoption finalization process, limited to amount allowed by Kentucky State Travel Regulations. Transportation can also be reimbursed by regional foster care funds through a special expense request to the SRA.

If families choose to have the cabinet pay their attorney directly, this is indicated on the Nonrecurring Adoption Expenses Agreement (DPP-1258 A).

Adoption assistance plays a vital role in the adoptive placement of children with special needs. It is a resource to assure that families receive the assistance they need in meeting the special needs of the children they adopt. Each child has different needs, some much greater than others. To ensure that adoption assistance monies continue to be available, we must spend these funds wisely. Whenever possible, resources and programs in the area in which the family resides should be utilized. In order to expedite the adoption process for children and families, it is important to begin discussions regarding adoption assistance as soon as possible.

What are the special needs criteria?

To qualify for adoption assistance, a child must meet the following criteria:

1. The state has determined that a child cannot or should not be returned to the home of his or her parents, because a court of competent jurisdiction has granted a voluntary termination of parental rights (TPR), involuntary TPR or the parents are deceased.
2. One or more of the following “special needs” definitions must be met:
 - Child has a physical or mental disability;
 - Child has an emotional or behavioral disorder;
 - Child has a recognized/documented risk of physical, mental or emotional disorder;
 - Child is a member of a sibling group, consisting of two or more children, in which the siblings are placed together;
 - Child has had a previous adoption disruption or multiple (more than one) placements;
 - Child is a member of a racial and/or ethnic minority group and is two (2) years old or older; or
 - Child is age seven (7) or older and has a significant emotional attachment or psychological tie to his/her foster family and the cabinet has determined that it would be in the child’s best interest to remain with the family.
3. A reasonable effort must have been made to place the child without adoption assistance.

What is a reasonable efforts determination?

In all cases, it must be determined that reasonable efforts have been made to place a child without the need for adoption assistance. However there are exceptions:

1. The child has significant emotional ties to the prospective adoptive parents (i.e., foster parent) have had the child(ren) in their home for an extended period of time or the child has emotional ties to another person who has had considerable influence in his or her life.
2. The child was registered with the Special Needs Adoption Program (SNAP) in order to recruit an adoptive family as there was no waiting Kentucky family available; or
3. The child was referred to two or more families who were not accepting of the child because of the severity of the child's issues.

What is the Adoption Assistance Agreement?

The Adoption Assistance Agreement is a form (DPP-1258) that is signed by both you and representatives of the cabinet. It outlines the amount of adoption assistance to be paid and/or reimbursed to you through the post-adoptive assistance program.

The Adoption Assistance Agreement must be signed by all parties and in effect prior to the finalization of your adoption. The Adoption Assistance Agreement is a legal document, and the language on the agreement cannot be altered.

When does adoption assistance begin?

Pre-adoptive assistance begins the day you sign the Adoption Placement Agreement (DPP-195), or on a later date if you did not request adoption assistance at that time, and continues until the day the adoption is finalized. You must sign an Adoption Assistance Agreement (DPP-1258) prior to receiving pre-adoption assistance.

Your worker and the regional billing specialist process payments. Paid bills are reimbursed to you. Your worker will explain the “how-to’s” of submitting extraordinary medical bills for payment.

Post-adoptive assistance begins the day of your adoption finalization. You must sign an Adoption Assistance Agreement (DPP-1258) before you finalize the adoption in order to receive post-adoptive assistance. Once your adoption assistance agreement is in effect, it will continue until termination or until a new agreement is signed.

Your worker submits the Adoptive Parent Invoice to the regional billing specialist, who processes payments. **All extraordinary medical expenses will be reimbursed directly to the adoptive parent(s).**

Payments are not considered late until after the 15th working day of the month. If you are concerned that your payment has been lost, you should contact your worker, who will then call and check on the status of your payment.

What if a change occurs?

If your child's needs change or your situation changes and an increase or decrease in monthly subsidy or extraordinary medical expenses is warranted, you should contact your worker to see if the change is possible.

Your worker will schedule an appointment with you to discuss available options. Other DCBS services may be available to families to support the adoptive placement and can be considered on a case-by-case basis.

Your worker will submit a Request for Renegotiation for consideration by the SRA.

You will be required to sign a new Adoption Assistance Agreement (DPP-1258). The revised payment or reimbursement of expenses cannot begin until all signatures are secured.

What if I failed to request adoption assistance before finalization of the adoption?

This program consists of the following options depending on whether the child was eligible for federal or state funds before the adoption was finalized:

A. Federal Funds – Title IV-E

Federal regulations at 45 CFR 1356.40(b) (1) require that the adoption assistance agreement be signed and in effect at the time of, or prior to, the final decree of adoption. However, if the adoptive parents feel they wrongly have been denied benefits on behalf of an adoptive child, they have the right to a fair hearing. Some allegations that constitute grounds for a fair hearing include: relevant facts regarding the child were known by the state agency or child-placing agency and

not presented to the adoptive parents prior to the finalization of the adoption; denial of assistance based upon a means test of the adoptive family; adoptive family disagrees with the determination by the state that a child is ineligible for adoption assistance; failure by the state agency to advise potential adoptive parents about the availability of adoption assistance for children in the state foster care system. In situations where the final fair hearing decision is favorable to the adoptive parents, the state agency can reverse the earlier decision to deny benefits under title IV-E. If the child meets all the eligibility criteria, Federal Financial Participation (FFP) is available, beginning with the earliest date of the child's eligibility (e.g., the date of the child's placement in the adoptive home or finalization of the adoption) in accordance with federal and state statutes, regulations and policies.

B. State Funds

If the adoption of a child is near dissolution, assistance can be requested for extraordinary medical expenses and a medical card. Approval is contingent upon the availability of funds and the following criteria must be met:

1. DCBS placed the child for adoption.
2. The child was considered "hard-to-place" prior to the adoption.
3. The parents have made a reasonable effort under the circumstances to meet the needs of the child without assistance.
4. The child is younger than eighteen.

Approved expenses may be retroactive to the date of the adoptive parents' request. Expenses, which have caused a financial hardship on the family, may be retroactive to July 1 of the current fiscal year.

If you feel that your child qualifies for services through the state program, you should contact your local DCBS office to

Speak to an R&C worker regarding this program. The worker will contact you to discuss your needs in order to determine if your child qualifies for services.

The child must meet the “special needs” criteria in effect at the time of finalization. The adoptive parents bear the burden of proving extenuating circumstances and adoption assistance eligibility in a fair hearing.

What are statutory benefits?

1. Children eligible for or receiving “entitlements” (Social Security, Black Lung Benefits, Veteran’s Administration Benefits, Retirement and Disability Insurance (RSDI) and Railroad Retirement) based on a birth parent’s death or disability are eligible to receive the benefits after adoption. The Social Security Administration (SSA) and other benefit agencies encourage adoptive parents to apply for entitlements after adoption finalization.
 - (a) To enable consideration by SSA and other agencies for benefits, the adoptive parents sign a release of information for the child. The Regional Children’s Benefits Worker through the SSW makes these arrangements and the release of information is then sent to the Central Office Children’s Benefits Coordinator for processing
 - (b) Both benefits may be received when the child who receives the entitlement from a biological parent also receives adoption assistance. If the unique circumstances of the adoptive parents and the needs of the child are such that the Social Security benefit and the full amount of the subsidy are needed for the child, it is reasonable that the amount of the subsidy would not change. However, if after consultation with the parents, the parents and DCBS agree that with

the additional Social Security benefit, they do not need the full amount of the subsidy, then the adoption assistance can be renegotiated to a lower amount.

2. Children eligible for or receiving “entitlements” based on an adoptive parent’s death or disability are eligible to receive the benefits after adoption. The child may receive full entitlement benefits and the adoptive parents may receive full subsidy payment. There is no dollar-for-dollar reduction in subsidy in these cases.
3. Additionally, children may receive insurance settlements after adoption from a biological parent without reduction of the adoptive parents’ subsidy.

Does my child qualify for medical assistance?

A Kentucky Medical Assistance Card is generally available for all children who have an adoption assistance agreement. The type of medical card your child receives depends upon the funding source identified in the upper right hand corner of the Adoption Assistance Agreement (i.e. DPP-1258).

Federal Funds-Title IV-E - Eligible Children

Your worker will notify the appropriate Children’s Benefits Worker (CBW), who will make application for the medical card.

State Funds – Eligible Children

Your worker will notify the appropriate Children’s Benefits Worker (CBW), who will make the application for the medical card.

An “S” card will be issued for Title IV-E funded adoption assistance and a “P” card will be issued for state funded adoption assistance.

Medicaid-eligible children receiving adoption assistance assigned to Jefferson, Carroll, Bullitt, Henry, Trimble, Oldham, Shelby, Spencer, Hardin, Meade, Nelson, Breckenridge, Larue, Marion, Grayson and Washington counties will be served by Passport Health Plan, a Medicaid managed care HMO for physical health care. The worker will submit the Adoption Assistance Update/Service Plan for Physical Health when the adoption is finalized. Any difficulties in obtaining services (including dental, vision and pharmacy) or payment for medical services for children who are Passport members should be reported immediately to the Passport Member Services at (800) 578-0603.

What if I move?

In-state moves:

When your family moves within Kentucky, your adoption assistance case will be transferred to the DCBS office in that area. You should contact your worker prior to the move; make the worker aware of the approximate date of your move and provide the new address. The worker will contact the DCBS office in the area where you are moving and will make you aware of your new worker's name, office location and phone number. There should be no interruption in your monthly subsidy. If there is, you will eventually receive any payments due to your child.

The medical assistance card will be available in your new area. The procedure for changing the address on your medical card depends on the funding source identified on the Adoption Assistance Agreement. Your worker will notify the appropriate Children's Benefits Worker who will transfer the case to the appropriate area.

Out-of-state moves:

If you move to another state, you should make your adoption worker aware of your pending move as soon as

possible. Kentucky will remain responsible for your adoption assistance payment regardless of the state of residence. There should be no interruption in your monthly subsidy. If there is, you will eventually receive any payments due to your child.

Medical assistance from the state of Kentucky is available for all children if unavailable from the state of residence. The availability of the medical card depends upon the funding source identified on the Adoption Assistance Agreement and the state of residence. Out-of-state providers may enroll to become Kentucky Medicaid providers by calling the provider enrollment office at (877) 838-5085. This will allow the out-of-state provider to bill Kentucky Medicaid for services rendered.

Federal Funds- Title IV-E

Title IV-E eligible children must receive medical assistance from the state of residence if the state is a member of the Interstate Compact on Adoption and Medical Assistance (ICAMA).

The following states/territories **are not** members of ICAMA:

- **Puerto Rico**
- **Vermont**
- **Virgin Islands**
- **Wyoming**

All other states are ICAMA members.

If the state of residence is not an ICAMA member, the child may retain the Kentucky Medical Assistance card.

State Funds

State-funded children are eligible for medical assistance in a limited number of states. If the child does not qualify for medical assistance in the resident state, the child may retain

the Kentucky Medical Assistance Card. DCBS' children's benefits worker will take any of the child's income into consideration when determining eligibility. You must locate vendors in your new state that will be willing to apply to become Kentucky Medicaid Vendors if they are not already. The Kentucky Medicaid Provider Enrollment offices' contact number is (877) 838-5085.

Your worker should be able to assist you in determining whether your child will be eligible for a medical card in the other state. If your child is eligible, the worker will start the process of notifying the other state of your move and the need for medical assistance. For further information regarding ICAMA, you can call DCBS' central office at (502) 564-2147.

How will adoption assistance affect my income tax?

According to information received from the Internal Revenue Service (IRS), adoption assistance is not considered taxable income. When filing your income tax return, you or your tax preparer should contact the IRS to determine if this ruling remains in effect. A pamphlet regarding adoption tax benefits is available from the IRS.

Any expenses DCBS has reimbursed to you through the Extraordinary Medical Program are not allowable as a deduction when itemizing for income tax purposes. Such expenses include day care services, respite care or other medical services. However, the reimbursement you receive from DCBS for those expenses is not considered taxable income.

Adoption Tax Credit

A flat \$10,160 Federal Tax Credit for special needs adoption is now available. Beginning with their 2003 taxes, many parents who adopt a child with special needs can claim a flat tax credit of \$10,160 for every adoption finalized after January 1, 2003, without having to document any adoption expenses. See IRS Topic 607 for more information on the adoption tax credit at <http://www.irs.gov/taxtopics/tc607.html> or call (800) 829-3676.

What if my child is denied adoption assistance?

If DCBS denies or discontinues adoption assistance for your child and you feel that the denial was unjust based upon the special needs of the child, you have the right to a fair hearing. You should contact your worker within 30 days of the denial. Your worker will supply you with a Service Appeal Request form (DPP-154) to request a fair hearing. Your worker will assist you in completing the form, if requested.

When does adoption assistance end?

IV-E Funded

- At the request of the adoptive parent;
- When the child reaches age eighteen (18);
- When the child reaches age twenty-one (21) if the state determines that the child has a mental or physical disability that would warrant continuation of assistance;
- The cabinet determines that the adoptive parent is no longer legally responsible for the support for the child (i.e., Termination of Parental Rights);

- The cabinet determines the child is no longer receiving support from the adoptive parents; or
- In the event of a new adoption assistance agreement.

State Funded

- When the child reaches age (18);
- Upon high school graduation or the child's 19th birthday, whichever comes first;
- Upon the death of the adoptive parents;
- The cabinet determines that the child is no longer receiving support from the adoptive parents;
- The cabinet determines that the adoptive parent is no longer legally responsible for the support for the child (i.e., Termination of Parental Rights);
- Upon the child's death, full-time employment, marriage, or military service;
- In the event the state legislature fails to appropriate funds to support the adoption assistance program; or
- In the event of a new adoption assistance agreement.

You are responsible for notifying the cabinet of any circumstances that would cause a change or discontinuance of adoption assistance.

When adoption assistance is discontinued, you will receive written notification from your worker advising you of the date of the discontinuance, and the reason.

Temporary Discontinuance ***(applies only to state funded adoption assistance)***

Per Kentucky Administrative Regulation (922 KAR 1:050), adoption assistance shall be temporarily discontinued during the period of time the adopted child resides in:

- Foster Care;
- A residential treatment facility;
- A psychiatric residential treatment facility (PRTF);
- A psychiatric hospitalization exceeding thirty (30) consecutive calendar days;
- Detention outside of the home for a period of thirty (30) consecutive calendar days; or
- Is absent from the home for a period of thirty (30) consecutive calendar days, unless the child is absent due to medical care or school attendance.

Continuation of adoption assistance beyond age 18

State Funded – Adoption Assistance can continue until age nineteen (19) or high school graduation, whichever comes first. The family submits written verification of the child's continued enrollment in high school after age eighteen (18) to the R&C worker.

IV-E Funded – An adopted child may have a disability as determined by the Social Security Administration or by a cabinet medical review team that allows for continuation of Title IV-E adoption assistance after the age of eighteen (18). Disability includes an inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment(s) and can be expected to result in death or last for a continuous period of not less than 12 months.

The Department for Disability Determination Services' (DDS) Medical Review Team (MRT) considers the following factors at least six (6) months prior to the youth's eighteenth birthday to allow or deny a disability determination for adopted youth:

- The child's medical history and medical testimony, including information relating to the alleged physical or mental disability, illness or impairment as to whether the child's ability to gain full-time employment or pursue opportunities within a state or federal education program are reduced;
- The child's age, employment history, education, and effect of the physical or mental condition on the ability to care and support self.

Contact your local DCBS office/worker regarding the procedure to extend the adoption subsidy beyond age eighteen (18).

It is important to note that even if the child's subsidy is approved to continue until age twenty-one (21), that his/her medical card is discontinued at age nineteen (19) per Kentucky's state Medicaid plan.

Tuition waiver for foster and adopted children

As a result of KRS 164.2847, which was adopted in February 2001, **tuition and mandatory student fees** for any public postsecondary institution in Kentucky, shall be waived for a **Kentucky** foster or adopted child who is a **full or part time undergraduate student if:**

(a) The student meets all entrance requirements for the postsecondary institution; and

(b) The student maintains academic eligibility (i.e. 2.0 GPA) while enrolled at the postsecondary institution; and

(c) The student:

1. Is over age eighteen (18) and the family receives state- funded adoption assistance under KRS 199.555; or
2. Is currently placed in foster care by the Cabinet for Health and Family Services (CHFS) or the Department for Juvenile Justice (DJJ); or
3. Is in an Independent Living program; or
4. Was in the custody of CHFS or the DJJ prior to being adopted by a family that resides in Kentucky; or
5. Was in the custody of CHFS or the DJJ on his or her eighteenth birthday.

Parents of children adopted from Kentucky but not residing in Kentucky will be required to pay the difference between the in-state and out-of-state tuition rates. The waiver does not apply to institutions outside of Kentucky.

Public postsecondary institutions include all **Kentucky public** four-year state universities and colleges. This **also includes** institutions of the Kentucky Community and Technical College System (KCTCS). **“Tuition and mandatory fees” means fees for instruction. This does not include room and board or books.**

How do you apply for the waiver?

- The student **must complete and process** the Free Application for Federal Student Aid (FAFSA) to determine if he or she is eligible for state or federal financial aid programs. The amount of the waiver will be determined by any other free financial assistance (loans excluded) the student receives. The waiver and other free assistance **cannot exceed** the total costs of attendance.
- The “**Tuition Waiver for Foster and Adopted Children**” form must first be signed by the student (or guardian if under 18) and returned to the institution. These forms are available from CHFS or DJJ staff, school counselors, public postsecondary institution staff and Vocational Rehabilitation counselors.

How long will a student be eligible for the tuition waiver?

- A student must request the waiver within four years from the date of:
 - (a) Graduation for high school graduates; or
 - (b) A student’s high school peers’ graduation date for GED recipients.

A student may receive the waiver for a period of five (5) years after admittance to an institution if satisfactory progress is achieved or maintained. Contact local DCBS or DJJ staff or call (800) 232-5437 for more information.

Educational Training Voucher (ETV)

The ETV is available for children who were adopted from DCBS when they were 16 or older. The maximum amount available is \$5000 per student per year. Students eligible for

the Tuition Waiver may also be eligible for an ETV. These funds can be used for expenses related to helping a student stay enrolled. Allowable expenses include but are not limited to the following:

- Books
- Tuition
- Daycare
- Transportation
- Utilities
- Food
- Rent Assistance

Please contact your regional Chafee Independent Living Coordinator if you have any questions regarding the tuition waiver or the ETV.

Region	Phone
Cumberland	(606) 787-8369
Cumberland	(606) 528-4234
Eastern Mountain	(606) 785-3106
Eastern Mountain/ Northeastern	(606) 920-2032
Jefferson	(502) 595-5159
The Lakes	(270) 247-2979
Northeastern	(606) 845-2381
Northern Bluegrass	(859) 292-6340 ext. 2021
Salt River Trail	(270) 766-5099
Southern Bluegrass	(859) 246-2266
Two Rivers – Bowling Green	(270) 746-7447
Two Rivers – Owensboro	(270) 687-7491
Project administrator	(502) 564-2147
Training aide	(502) 564-2147

Chaffee Independence Program

The John Chafee Independence Program is a federally funded program designed to teach children and youth in foster care and former foster children the skills that will enable them to be self-sufficient. Services are provided by Independent Living Coordinators (See graph above), private child caring contractors and central office specialist Fawn Conley, who can be reached at (800) 232-5437 or fawn.conley@ky.gov. Contact your regional Independent Living Coordinator to find out more about the program.

State Employee Adoption Benefit Program

Dave Thomas, founder of the successful Wendy's restaurant chain, was adopted when he was 6 weeks old. He credits his success to his belief that "I wouldn't be where I am today without a family."

Mr. Thomas felt so strongly about adoption that he established the Dave Thomas Foundation for Adoption. His company has served as a national model for benefit packages for workers who adopt. Mr. Thomas approached then Governor Paul E. Patton about the idea of creating an Adoption Benefit Program for state government employees. Governor Patton directed the Kentucky Personnel Cabinet to research the feasibility of establishing such a program. On Nov. 1, 1998, he signed an executive order creating a mechanism whereby state employees could be reimbursed for adoption process.

A state employee who finalizes a legal adoption procedure for the adoption of a child, other than the child of a spouse (i.e. stepparent adoption), shall be eligible to receive reimbursement for actual costs associated with the adoption of a special needs child as defined by KRS 199.555(1), or other child.

The employee shall receive:

- Up to \$5,000 in unreimbursed direct costs related to the adoption of a special needs child or
- Up to \$3000 in unreimbursed direct costs related to the adoption of any other child
- Unreimbursed direct costs related to adoption shall include but are not limited to: Licensed adoption agency fees - Legal fees – Medical costs –Court costs – Attorney fees.

Application for financial assistance shall be made by submitting a completed State Employee Adoption Assistance Application to the Secretary of Personnel, which must be supported by documentary evidence of the following: Finalization of the adoption – Certification by the CHFS secretary that the child is special needs if applicable – a copy of an affidavit of expenses filed with and approved by the court at the time of finalization. More information is available at <http://personnel.ky.gov/programs/adoption/> or you may call the Office for Employee Relations at (502) 564-3433, ext. 4094.

Regional Children's Benefits Workers

Region	Regional Children's Benefits Workers	Phone Number
Cumberland	801 Tenn. Rd., Suite D Albany, KY 42602	(606) 387-6446
Cumberland	P.O. Box 939 Harlan, KY 40831	(606) 573-2121
Cumberland	85 State Police Rd., Room 202 London, KY 40741	(606) 330-2001
Eastern Mountain	205 Main St., Suite 3 Painstville, KY 41240	(606) 788-7108
Eastern Mountain	113 Lovern St. Hazard, KY 41701	(606) 435-6052
Jefferson	908 W. Broadway, 8-W Louisville, KY 40203	(502) 595-3110
Northeastern	180 Bulldog Lane, Suite 2 Louisa, KY 41230	(606) 638-4360 EXT. 215
Northeastern	P.O. Box 1036 Morehead, KY 40351	(606) 784-6687
Northern Bluegrass	624 Madison Ave., 3rd Floor Rear Covington, KY 41011	(859) 292-6340
Salt River Trail	31 Mt. Rushmore Ct. Shelbyville, KY 40065	(502) 633-1892
Salt River Trail	105 Howard St. Hodgenville, KY 42748	(270) 358-4175
Salt River Trail	516 By Pass Rd. Brandenburg, KY 40108	(270) 422-3974
Southern Bluegrass	109 E. Irvine St. Richmond, KY 40475	(859) 623-1204
Southern Bluegrass	1165 Centre Parkway Lexington, KY 40517	(859) 271-3765
The Lakes	115 Hammond Plaza, Hopkinsville, KY 42240	(270) 889-6573
The Lakes	416 South 6th Street Paducah, KY 42003	(270) 575-7054 (270) 575-7153
Two Rivers	P.O. Box 10177 Bowling Green, KY 42102	(270) 746-7447
Two Rivers	311 W. Second St. Owensboro, KY 42301	(270) 687-7047

Recruitment and Certification Supervisors

R&C Supervisor	Phone Number	Region
Valerie Kelsey 67 Eagle Creek Dr. Suite 102 Somerset, KY 42502	(606) 677-4086	Cumberland
Jimmy Middleton 85 State Police Road London, KY 40741	(606) 330-2001	Cumberland
Kathy Bohr 205 Main St., Suite 2 Paintsville, KY 41240	(606) 788-7100	Eastern Mountain
Linda Eggers-Bentley 415 HWY 2034, Suite D Whitesburg, KY 41858	(606) 785-3106	Eastern Mountain
Angie Walz - Training Latesia Morris – Placement Pam Hoover – Placement Lynetta Shipley - Placement 908 W. Broadway, 2-W Louisville, KY 40203	(502) 595-5261 (502) 595-4049 (502) 595-3631 (502) 595-3274	Jefferson
Desirea Rhodes -Adoption Barbara Beard – Adoption Melissa Roginson –Adoption Jill McKinney – Adoption 908 W. Broadway, 8-W Louisville, KY 40203	(502) 595-5501 (502) 595-5068 (502) 595-5107 (502) 595-4506	Jefferson
Angela Higginson 333 Charles Drive Mayfield, KY 42066	(270) 247-2979	The Lakes
Dana Matlock 110 Riverfront Dr Hopkinsville, KY 42240	(270) 889-6570	The Lakes
Terri Heflin P.O. BOX 386 Flemingsburg, KY 41041	(606) 845-2381	Northeastern
Lana Skaggs 1539 Greenup Ave Suite 301 Ashland, KY 41101	(606) 920-2130	Northeastern

Stacy White Helena Crawford 601 Washington St. Water Tower Square, 4th Floor Newport, KY 41071	(859) 292-6632	Northern Bluegrass
Marcus Haycraft 916 N. Mulberry St. 140 Elizabethtown, KY 42701	(270) 766-5099	Salt River Trail
Carolyn Overall 31 Mt. Rushmore Court Shelbyville, KY 40054	(502) 633-2055	Salt River Trail
Cheryl Burnett 1165 Centre Parkway, Suite 180 Lexington, KY 40517	(859) 245-5488	Southern Bluegrass
Martha Ryan 212 North Water St. Henderson, KY 42420	(270) 826-7178	Two Rivers
Cherie Stiles 311 W. Second St. Owensboro, KY 42301	(270) 687-7491	Two Rivers
Michelle Jones P.O. Box 10177 Bowling Green, KY 42102-4777	(270) 746-7447	Two Rivers

Resources

Adoption Support for Kentucky (A.S.K.)

Through your journey of adoption you may need to lean on other parents for support. Adoption Support for Kentucky provides parent-led support groups for adoptive parents. The groups are open to any family formed through adoption – at any stage of the process. You may choose to adopt through the state, privately, internationally, or you may simply be considering adoption.

An adoptive parent who understands the needs, joys, and challenges of the adoptive family facilitates the group. A.S.K.

also offers mentoring with an experienced adoptive family, information on policies and procedures, educational/training programs, statewide resource referrals, and advocacy assistance.

Contact Information

Foster/Adoptive Support and Training Center
1 Quality St.
Lexington, KY 40507
(877) 440-6376
adoptky@uky.edu

Resource Parent Mentor Program

Provides moment-in-time training and support for newly approved resource parents via mentoring relationships with veteran parents.

What the mentor program offers families:

- Helps new resource parents apply skills learned in initial training
- Makes weekly contacts during the six-month mentoring period
- Mentors maintain availability by phone for “as needed” calls
- Provides emotional encouragement and a confidential, listening ear
- Shares information about local resources
- Helps develop an understanding of the child welfare system

Contact Information

Foster/Adoptive Support and Training Center
1 Quality St.
Lexington, KY 40507
(877) 440-6376

Kentucky Foster/Adoptive Care Association (KFACA)

KFACA is dedicated to the empowerment and encouragement of foster and adoptive families through advocacy and training.

What KFACA offers to families:

- Development of a unified voice for more effective advocacy of children in out-of-home-care
- Partnership with DCBS to recommend, encourage, and actively engage in policy formulation and change to improve foster and adoptive care
- Working in partnership with DCBS to develop and provide training for foster/adoptive parents and agency staff
- To increase public awareness through recruitment and retention of foster and adoptive parents

Contact Information

Judy Gulley, President

Kentucky Foster/Adoptive Care Association

(606) 783-0946

judygulley@alltel.net

Kentucky Foster and Adoptive Parent Training Support Network

A partnership between DCBS and parents to address the unique local and regional training, recruitment, and retention needs.

What the support network offers families:

- Confidential, peer crisis support
- Recruitment of new foster/adoptive parents
- Advocacy for parents and children
- Training and education in both group and one-on-one peer settings
- Development of and support for regional respite programs
- Training with R&C staff on policies and procedures

Contact Information

Kentucky Foster and Adoptive Parent Training
Support Network
Murray State University
240 Wells Hall
Murray, KY 42071-3345
(877)70-HEART or (877) 704-3278

University of Kentucky Comprehensive Assessment and Training Services (CATS)

Provides multidimensional, non-medical, proactive assessment of children and families identified by DCBS. This assessment reports on five major domains: 1) family/social; 2) emotional/behavioral; 3) attachment; 4) life history/traumatic events; 5) developmental/cognitive/academic. If the permanency plan for the child is adoption, the CATS report will assist in expediting the process of TPR and lead to the promotion of early and timely adoption. CATS staff will provide follow-up training and consultation for DCBS staff and for the adoptive family. The training will focus on developing healthy attachments and consists of materials to address issues in the CATS report.

Contact Information

(859) 543-0078

First Steps

First Steps is Kentucky's Early Intervention System (KEIS) that serves children from birth to age 3 who have a developmental delay or a particular medical condition that is known to cause a developmental delay. Services are provided statewide and are coordinated by the CHFS. Anyone can call to refer a child who is suspected to have a delay to the program. Evaluations are available which address these five skill areas: cognition, communication, physical, social/emotional and self-help.

If services are needed, First Steps will coordinate a team effort to identify resources and design an Individualized Family Service Plan.

Contact Information

(800) 442-0087

Kentucky Partnership for Families and Children

This program provides a united voice dedicated to improving services for children with emotional, behavioral, and/or mental health challenges. This program also provides information about disabilities, advocacy activities, and contact persons for support groups in every area of the state.

Contact Information

Carol Cecil, Director

1410 Versailles Rd. #6

Frankfort, KY 40621

(800) 369-0533

kpfc@kypartnership.org

Early Periodic Screening Diagnosis and Treatment (EPSDT)

EPSDT is a Medicaid program established in 1967 that was developed to provide preventative services and treatment to children enrolled in Medicaid. The service is comprehensive and available to all children under 21 who are eligible for Medicaid. **If a family receives adoption assistance under the federally funded IV-E program, then the adopted child is automatically eligible for Medicaid and EPSDT services. Adopted children in families receiving state-funded adoption assistance are also eligible for EPSDT services if they receive Medicaid.** You can find EPSDT providers at your state or local health department, Head Start, physician's office, managed care organization or school-based health center.



To learn more about foster care and
adoption, please call
(800) 232-KIDS or visit <http://chfs.ky.gov/snap>



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